

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

AUG 13 2003

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROBERT H. SHELTON

Application No. 09/025,279

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on July 23, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Appellants filed a Supplemental Appeal Brief on December 10, 2001 (Paper No. 22). According to the Examiner's Answer mailed on January 28, 2003 (Paper No. 24), the examiner states on page 2, section (8) that "[t]he copy of the appealed claims contained in the Appendix to the brief is correct." However, a review of the Appendix to the Brief reveals that claim claims 75 and 76 contain errors as follows:

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Claim 75, line 1: Delete "Claim 74" and replace with
"--Claim 42--."

Claim 76, line 1: Delete "Claim 75" and replace with
"--Claim 42--."

Accordingly, it is

ORDERED that the application is returned to the examiner
for notifying appellant to submit a corrected Appendix to the
Brief, or for the examiner to submit a corrected Appendix to the
Brief, and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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CRF/clm/dm
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